

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-17-678
	)	
	)	D E C I S I O N
STEVEN EUGENE KUEFFLER,	)	
	)	
Defendant.	)	

On September 17, 2018, Defendant was sentenced to the Montana State Prison for forty (40) years for Count I: Attempted Deliberate Homicide, with an additional ten (10) year weapons enhancement sentence to be served consecutively to Count I. As to Count II: Criminal Endangerment, Defendant was sentenced to five years, to run consecutively to Count I. As to Count III: Driving Under the Influence of Alcohol or Drugs, 1<sup>st</sup> Offense, Defendant was sentenced to the Yellowstone County jail for 6 months to run consecutively to Counts I & II and to pay a \$1000 fine. Defendant was ordered to pay restitution in the amount of \$4,925.39. He was granted credit for time served from June 8, 2017 through September 17, 2018.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by video conferencing from Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. Defense Counsel was given an opportunity to consult with his client by video conferencing before the start of the Sentence Review hearing. The State was represented by Yellowstone County Deputy Attorney Brett Linneweber who appeared by video conferencing.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 21<sup>st</sup> day of February, 2019.

DATED this 20<sup>th</sup> day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



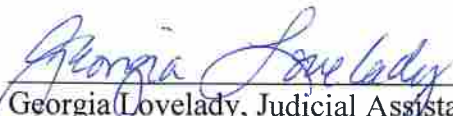
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 25<sup>th</sup> day  
of March, 2019, to:

Clerk of District Court (Original)  
Steven Eugene Kueffler #3023989, Defendant (2)  
Hon. Donald Harris  
Brent Getty, Defense Counsel  
Victoria White Callender, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division